

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CFS 22-01 Child Welfare
SPONSOR(S): Children, Families & Seniors Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Children, Families & Seniors Subcommittee		Woodruff	Brazzell

SUMMARY ANALYSIS

Creating and sustaining safe, stable, nurturing relationships and environments for children and families allow children to grow up to their full potential. When parents and families are equipped with proper support and skills, they are better able to meet the needs of their children and protect them from experiencing adverse childhood experiences. Research has found that fathers play a unique role in producing positive outcomes for children. Children raised in father-absent homes are more likely, on average, to abuse drugs and alcohol, show signs of antisocial and delinquent behavior, and drop out of high school. Such children are also more likely to experience poverty, teen pregnancy, child abuse and neglect, behavioral problems, and death in infancy. In the United States, one out of four children grow up in a household without a father. Florida has several state agencies and systems to support children and families who may face difficulties, some of which protect children from abuse or neglect, promote healthy families through the provision of home visiting services, and strengthen families by improving the lives of children at-risk of engaging in or involved in delinquent behavior.

Young adults who age out of the foster care system have trouble achieving self-sufficiency. To assist such young adults, Florida provides independent living services, including services through the Postsecondary Education Services and Support (PESS) program. Young adults eligible for the program receive a stipend to assist them in meeting their financial needs while attending a postsecondary education institution.

The PCB takes a holistic approach to addressing the needs of children and families by:

- Creating opportunities for organizations that address the needs of fathers and provide mentorship s for at-risk males to receive funding through a grant process.
- Requiring Florida's child welfare system and home visiting programs to increase engagement with and provision of services to fathers.
- Directing the Department of Children and Families (DCF) to contract for an initiative to promote responsible fatherhood with the goal of providing all fathers resources and inspiration to enhance their positive involvement with their children.
- Requiring DCF and the Department of Juvenile Justice to identify children that are dually involved with both systems of care and provide a report to the Legislature that includes specific data, information, and actions taken by both agencies to better serve such children.
- Providing a child care subsidy of up to \$200, subject to available funds, to foster parents and relative or nonrelative caregivers who have a child between the age of birth to school entry placed in their care who attends a child care or early learning program if current funding for that child's care is insufficient.
- Requiring certain information to be available and provided to those who are paying child support.
- Requiring the Department of Economic Opportunity (DEO) to expand programs serving noncustodial parents who are having difficulty paying child support.

The bill has an indeterminate, significant, negative, recurring fiscal impact on DCF, DEO, and the Department of Revenue. There is an indeterminate, positive, fiscal impact on DCF. See fiscal comments.

There is no fiscal impact on local governments.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: pcb01a.CFS

DATE: 2/3/2022

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Children encounter negative experiences when growing up in households with substance misuse, mental health problems, and instability due to parental separation. Exposure to adverse childhood experiences can disrupt healthy brain development, affect social development, compromise immune systems, and can lead to unhealthy coping behaviors. Creating and sustaining safe, stable, nurturing relationships and environments for children and families can allow children to grow up to their full potential. When parents and families are equipped with proper support and skills, they can meet the needs of their children and protect them from experiencing adverse childhood experiences.

Florida has several agencies and systems to support children and families who may face difficulties, some of which protect children from abuse or neglect, promote healthy families through the provision of in-home services, and strengthen families by improving the lives of children at-risk of engaging in or involved in delinquent behavior.

Department of Children and Families

The Department of Children and Families (DCF) mission is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.¹ DCF must deliver services by contract through private providers to the extent allowed by law and funding.² These private providers include managing entities delivering behavioral health services and community-based care lead agencies (CBC's) delivering child welfare services.

Community-Based Care Lead Agencies

DCF remains responsible for providing child welfare and support services in accordance with federal and state law.³ However, DCF contracts with CBC's for the delivery, administration, and management of care of child welfare services. Using CBC's to provide child welfare services is designed to increase local community ownership of service delivery and design.⁴ DCF, through CBCs, administers a system of care for children with the goals of:

- Prevention of separation of children from their families.
- Intervention to allow children to remain safely in their own homes.
- Reunification of families who have had children removed from their care.
- Safety for children who are separated from their families.
- Well-being of children through emphasis on educational stability and timely health care.
- Achievement of permanency.
- Effective transition to independence and self-sufficiency.

¹ S. 20.19(1), F.S.

² *Id.*

³ S. 409.996, F.S.

⁴ Florida Department of Children and Families, *Community-Based Care*, <https://www.myflfamilies.com/service-programs/community-based-care/> (last visited Jan. 28, 2022).

CBC's provide foster care and related services, including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.⁵ CBC's contract with a number of subcontractors for case management and direct care services to children and their families.⁶ There are 18 CBC's statewide, which together serve the state's 20 judicial circuits.⁷

Department of Juvenile Justice

Section 20.316, F.S., establishes the Department of Juvenile Justice (DJJ), and directs the Governor to appoint a Secretary who is responsible for planning, coordinating, and managing all juvenile justice services and programs in Florida, including:

- Children-in-Need of Services,
- Families-in-Need of Services,
- Other prevention, early intervention, and diversion programs,
- Detention centers and related programs and facilities,
- Community-based residential commitment and nonresidential programs, and
- Delinquency institutions provided or funded by DJJ

Children involved in the child welfare system are more likely to become involved with the juvenile justice system. Overall, maltreated children are estimated to be at a 47 percent greater risk of becoming involved in delinquency than children from the greater population.⁸

Department of Health

The purpose of the Department of Health (DOH) is to protect and promote the health of all residents and visitors in Florida.⁹ Under current law, the DOH must:

- Identify, diagnose, and conduct surveillance of disease and health conditions in the state and accumulate the health statistics necessary to establish trends,
- Implement interventions that prevent or limit the impact or spread of diseases and health conditions,
- Collect, manage, and analyze vital statistics and other health data to inform the public and formulate public health policy and planning,
- Maintain and coordinate preparedness for and responses to public health emergencies in the state,
- Provide or ensure the provision of quality health care and related services to identified populations in the state, and
- Regulate health practitioners for the preservation of the health, safety, and welfare of the public.

DOH is the designated agency for administering maternal and child health services, including delivering services through county health departments or subcontractors for the provision of enhanced services for medically and socially high-risk clients.¹⁰ DOH must establish in each county health department a

⁵ S. 409.145(1), F.S.

⁶ *Id.*

⁷ Florida Department of Children and Families, *Community-Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Jan. 28, 2022).

⁸ Ryan, J. P., & Testa, M. F. (2005). Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability. *Children and Youth Services Review*, 27(3), 227-249. <https://doi.org/10.1016/j.childyouth.2004.05.007>.

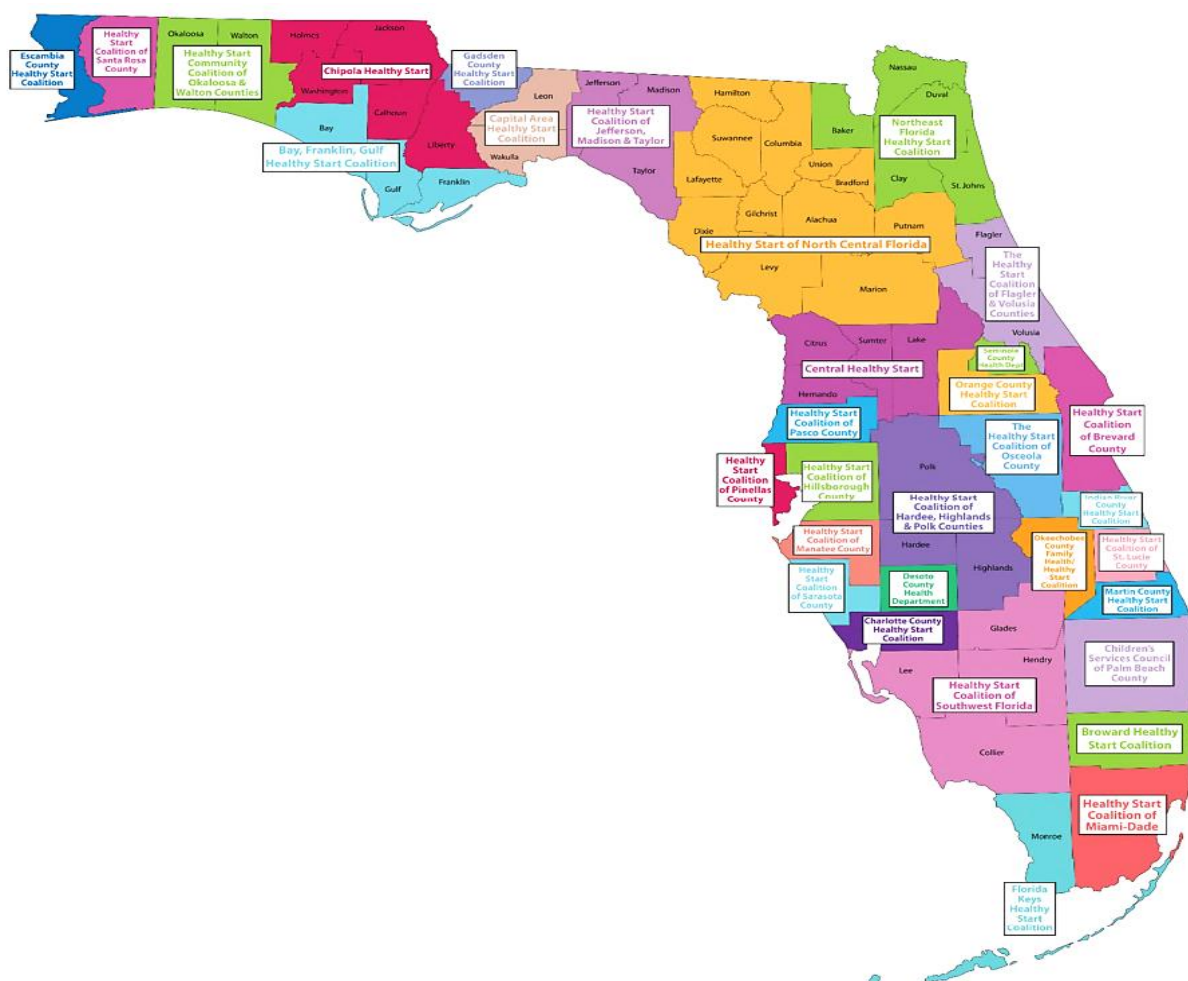
⁹ S. 20.43, F.S.

¹⁰ S. 383.011(1), F.S.

Healthy Start Coordination Program in which a care coordinator is responsible, in part, for directing family outreach efforts.¹¹ Pursuant to s. 383.011(1)(e), F.S., the care coordination process must include, at a minimum, family outreach workers and health paraprofessionals who assist in providing enhanced services to pregnant women, infants, and their families that are determined to be at potential risk by DOH's screening instrument. These enhanced services including, but are not limited to, home visiting to support the delivery of and participation in prenatal and infant primary care services.

Home Visiting Programs

The Florida Association of Healthy Start Coalitions, Inc., (FAHSC) develops and supports local systems of care to optimize the health of moms, babies and families.¹² FAHSC is made up of 32 individual coalitions from across the state.¹³ DOH contracts directly with local Healthy Start Coalitions for the provision of services. Each coalition uses data and research to design a service delivery plan unique to their community.



¹¹ S. 383.011(1)(e), F.S.

¹² Florida Healthy Start Coalition, *About Us*, <https://www.healthystartflorida.com/about-us/> (last visited Jan. 28, 2022).

¹³ Florida Association of Healthy Start Coalitions, Inc. *Every Baby Deserves a Healthy Start* (on file with the House Children, Families, & Seniors Subcommittee).

FAHSC programs include, in part, Florida's Maternal Infant and Early Childhood Home Visiting (MIECHV) and the Early Childhood Comprehensive System (ECCS), and Florida's Healthy Start.¹⁴

The Health Resources and Services Administration within the United States Department of Health and Human Services contracts with FAHSC to administer MIECHV funding for evidence-based home visiting programs. In FFY 2019-20, Florida's MIECHV initiative provided perinatal home visiting services to 2,790 families in 29 of Florida's high-need communities.¹⁵

Florida's three federally-funded evidence-based home visiting programs include:

- **Nurse-Family Partnerships:** a national program that provides education and support to first time mothers in low-income communities using specially-trained nurse home visitors. Families receive services starting in pregnancy through the child's second birthday.
- **Healthy Families Florida:** a nationally accredited program by Healthy Families America which provides highly trained home visitors to educate and support overburdened families at risk for adverse childhood experiences, including maltreatment. Services begin prenatally or within the first three months after a child's birth and can last up to five years depending on the unique needs of the family.
- **Parents as Teachers:** a national program that includes one-on-one home visits, monthly group meetings, developmental screenings, and a resource network for families. Parent educators conduct the home visits using structured visit plans and guided planning tools.

In addition to the three federally-funded home visiting programs, Florida has other home visiting programs available statewide or within local communities.¹⁶ Florida Healthy Start is a program that provides education, support, and proven interventions to expecting families who are at-risk of poor birth outcomes or developmental delays.¹⁷ The program focuses on common issues or conditions that occur during pregnancy or in infancy and is available in all 67 counties. Risk screenings, offered by prenatal care providers and birthing hospitals, identifies families that could benefit from Healthy Start or other home visiting programs. Healthy Start is available statewide to all eligible families. Families can participate in Healthy Start beginning in pregnancy or in the first year after birth, and can continue until the infant turns three. All home visiting programs are voluntary and match parents with trained professionals to provide information and support during pregnancy and throughout the child's first three years of life.

In July 2018, Florida implemented a statewide, coordinated intake and referral system (Connect) that is housed within FAHSC.¹⁸ Connect is an entry point for services, including home visiting. Staff receive information from prenatal providers or from parents who self-refer or are referred by community partners. The Connect staff contacts parents to determine their needs and desires for services, then offers an array of services available in their community. Assuming home visiting is accepted, a referral to a program is made and the program contacts the parent to schedule an appointment.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Email from Cathy Timuta, Chief Executive Office, Florida Association of Healthy Start Coalitions, Healthy Start Coalitions/Home Visiting Programs, Jan. 31, 2022 (on file with the House Children, Families, and Seniors Subcommittee).

¹⁷ Florida Department of Health, *Healthy Start*, <https://www.floridahealth.gov/programs-and-services/childrens-health/healthy-start/index.html> (last visited Jan. 28, 2022).

¹⁸ Florida Association of Healthy Start Coalitions, *Florida Home Visiting Statewide Needs Assessment Update* (2020) <https://usf.app.box.com/s/lgo5m5kewur9seaj872333j5tsna3bm>.

Fatherhood and Child Well-Being

Current Situation

There are an estimated 75 million fathers in the United States¹⁹; however, 18.4 million children, or one out of four, live without a biological, step, or adoptive father in the home.²⁰ Children in mother-only households are the second most common living arrangement in the United States.²¹ About 7.6 million (11%) children lived in mother-only households in 1968, compared to 15.3 million (21%) in 2020.²²

Children raised in father-absent households, compared to two-parent households, are more likely, on average, to abuse drugs and alcohol, show signs of antisocial and delinquent behavior, and drop out of high school.²³ Such children are also more likely to experience poverty,²⁴ teen pregnancy,²⁵ child abuse and neglect,²⁶ behavioral problems,²⁷ and death in infancy.²⁸

Research has found that fathers play a unique role in producing positive outcomes for children. Although mothers tend to be more nurturing and emotionally supportive than fathers, fathers tend to focus more on preparing children for their lives as adults.²⁹ There is growing research on the link between father involvement and children's well-being.³⁰ Father involvement and positive interactions with their children are important for children's health, self-esteem, social skills, and educational attainment. Multiple studies have found positive links between father involvement and a child's graduation from high school, social-emotional adjustment, and mental health into adulthood.³¹

Additionally, men experience benefits from being fathers, including improving mental and emotional health and being more community involved. Being a father is linked to positive employment outcomes including an increase in wages and work effort.³² Fathers are more likely than childless men to be

¹⁹ U.S. Census Bureau, *Fatherly figures: a snapshot of dads today*, (2018), <https://www.census.gov/library/visualizations/2018/comm/fathers-day.html> (last visited Jan. 28, 2022).

²⁰ U.S. Census Bureau, *Living arrangements of children under 18 years old: 1960 to present*, (Nov. 2021), <https://www.census.gov/data/tables/time-series/demo/families/children.html> (last visited Jan. 28, 2022).

²¹ The first most common living arrangement is two-parent households. See U.S. Census Bureau, *Percentage and Number of Children Living with Two Parents Has Dropped since 1968*, (Apr. 2021), <https://www.census.gov/library/stories/2021/04/number-of-children-living-only-with-their-mothers-has-doubled-in-past-50-years.html> (last visited Jan. 28, 2022).

²² *Id.*

²³ See McLanahan, S., Tach, L., & Chneider, D. (2013). The causal effects of father absence. *Annual Review of Sociology*, 39(1), 399-427; Salas-Wright, C.P., Vaughn, M.G., Uglade J., & Todici, J. (2015). Substance abuse and teen pregnancy in the United States: Evidence from the NSDUH 2002-2012. *Addictive Behavior*, 45(1), 218-225.

²⁴ See U.S. Department of Health and Human Services, *Information on Poverty and Income Statistics: A Summary of 2012 Current Population Survey Data*, (Sept. 2012), <https://aspe.hhs.gov/reports/information-poverty-income-statistics-summary-2012-current-population-survey-data-0> (last visited Jan. 28, 2022).

²⁵ Ellis, B.J., Bates, J. E., Dodge, K. A., Fergusson, D. M., et. al. (2003). Does father absence place daughters at special risk of early sexual activity and teenage pregnancy? *Child Development*, 74(3), 801-821.

²⁶ Stapp, John, The Effects of Fatherlessness on Children, (Jan. 13, 2020), [The Effects of Fatherlessness on Children - Joe Stapp, LPC \(blueridgecounseling.org\)](https://blueridgecounseling.org/the-effects-of-fatherlessness-on-children-joe-stapp-lpc/) (last visited Feb. 1, 2022).

²⁷ See Osborne, C., & McLanahan, S. (2007). Partnership instability and child well-being. *Journal of Marriage and Family*, 69(4), 1065-1083.

²⁸ See Mathews, T. J., MacDorman, M. F., & Thoma, M. E. (2015). Infant mortality statistics from the 2013 period linked birth/infant death data set. *National Vital Statistics Reports*, 64(9), 1-30.

²⁹ Jaynes, Williams (2016) *Meta-Analysis on the Roles of Fathers in Parenting: Are They Unique?*, *Marriage & Family Review*, 52:7, 665-688, DOI: 10.1080/01494929.2016.1157121.

³⁰ Karberg, E., Finochiaro, J., & Vann, N. (2019). *Father and child well-being: A scan of current research*. National Responsible Fatherhood Clearinghouse. <https://fatherhood.gov>. (last visited Jan. 30, 2022).

³¹ McLanahan, S., Tach, L., & Schneider, D. (2013). The causal effects of father absence. *Annual Review of Sociology*, 39, 399-427.

³² Astone, N.M., & Peters, H.E. (2014). Longitudinal influences on men's lives: Research from the transition to fatherhood project and beyond. *Fathering: A Journal of Theory, Research, and Practice about Men as Fathers*, 12(2), 161-173.

involved in community service and to provide support to friends and extended family.³³ Additionally, fathers tend to be healthier than men who do not have children, and some research suggests they may live longer.³⁴

Effect of the Bill

Fatherhood Initiatives

The bill requires DCF to award grants to not-for-profit community-based organizations to address the needs of fathers. Under the bill, two types of grants are available to not-for-profit community organizations:

- Grants to comprehensively address the needs of fathers, such as assisting them in finding employment, establishing appropriate child support obligations, transitioning from incarceration, accessing health care, and obtaining parenting education. Services provided must be tailored to the needs of fathers being served. These grants shall require case management services to be provided to fathers.
- Grants to provide evidence-based parenting education specifically for fathers. These grants do not include case management.

The bill requires grants to be prioritized based on:

- Need in the geographical area and population proposed to be served. Criteria for selecting grant recipients includes, at a minimum, local rates of unemployment, incarceration, housing instability, graduation, single parenthood, and receipt of public benefits.
- Applicants having a primary mission of, or a history of a significant focus on and effective work towards, addressing the needs of men in their role as fathers.
- Commitment and capability to employ sufficient, competent staff that are able to relate to and connect with the fathers being served.

Fatherhood Engagement and Service Provision

The bill requires CBC's to meet the unique needs of fathers with dependent children. It requires a CBC to assess its engagement with fathers and provision of father-oriented services. Each CBC must create and implement an action plan to address any gaps identified through the assessment. Additionally, CBC's must hire a father engagement specialist to build relationships with fathers, assist fathers in accessing services, and provide guidance to the CBC in understanding the challenges faced by fathers and how to appropriately meet their unique needs.

The bill requires DCF to annually review how CBC's are meeting the needs of fathers, including, at a minimum, how the CBC is working with fathers to establish positive, stable relationships with children and assisting fathers to receive needed services. The CBC is required to provide any relevant information on how it is meeting the needs of fathers to DCF to be included in the annual report required by s. 409.986, F.S.

³³ Eggebeen, D., Dew, J., & Knoester, C.W. (2010). Fatherhood and men's lives at middle age. *Journal of Family Issues*, 31(1), 113-130.

³⁴ Bartlett, E.E. (2004). The effects of fatherhood on the health of men: A review of the literature. *The Journal of Men's Health & Gender*, 1(2-3), 159-169.

The bill requires DOH, through county health departments or subcontractors, to provide services that include father engagement activities, such as individualized support to increase participation in services that strengthen family and child well-being and evaluating father involvement with services provided by home visiting programs.

Responsible Fatherhood Communication Initiative

The bill requires DCF to contract for the development and implementation of a communications initiative regarding responsible fatherhood. The goal of the initiative is to provide resources and inspiration to Florida's fathers to motivate and enable them to enhance their abilities as fathers. The bill requires the campaign to involve, at a minimum, a website and related electronic resources to allow fathers to obtain information about effective parenting and where to receive support and services. The campaign must include, but not be limited to, print, television, and digital and social media elements, and public events. The communications initiative may also have appearances by and involvement from public figures and influencers. The selected contractor must collaborate with other agencies and organizations to develop and implement the communication initiative.

Responsible Fatherhood Month

The bill creates s. 683.344, F.S., to designate the month of June of every year as "Responsible Fatherhood Month" to recognize the importance of fathers in children's lives, how fathers contribute to children's safety and stability, and the direct link between positive father involvement and child well-being. DCF, DOH, local governments, and other agencies are encouraged to sponsor events to promote awareness of responsible fatherhood engagement and the contributions fathers make in the lives of children.

At-Risk Children

Current Situation

Children who live in vulnerable families and in communities that are inadequately supportive are more likely to engage in high-risk behavior.³⁵ Such children are vulnerable to multiple and intersecting problems, including emotional and behavioral disorders, substance misuse, violent and risk-taking behaviors, and poor connection to and performance in high school.³⁶ Not all vulnerable children experience negative outcomes. However, multiple factors can influence whether children face negative outcomes in adolescence and adulthood:³⁷

- **Poverty** is linked to a number of potential future problems among children, including chronic health conditions, low educational attainment, and engagement in delinquent behavior.
- **Family instability** can lead to negative health outcomes and negative behaviors.
- **Family dysfunction**, including witnessing violence against mothers and criminal activity among fathers, are particularly detrimental to the future well-being of children.
- **Child maltreatment** by parents or other caregivers put children at risk for many negative outcomes, including poor physical and mental health, lower cognitive functioning and educational attainment, and poor social development and behavior.

³⁵ Brack, C.J, Brack, G., Orr, DP., Dimensions underlying problem behaviors, emotions, and related psychological factors in early and middle adolescents. *Journal on Early Adolescence*. 1194; 14:345-370.

³⁶ Congressional Research Services, *Vulnerable Youth: Background and Policies*, Jan 30, 2018.

³⁷ *Supra* note 34.

- **Exposure to violence in the community** is linked to several negative outcomes such as depression, aggressive behavior, anxiety, posttraumatic stress, psychological trauma, and antisocial behavior.
- **Schools with fewer resources** are associated with poor academic outcomes and can create environments with problematic social issues, such as bullying and behavioral problems.

Children from struggling, single-parent families who live in neighborhoods that offer few positive outlets and limited number of positive role models benefit from stable relationships with caring adults, other than parents.³⁸ Overall, children participating in mentoring relationships experience positive academic returns such as fewer unexcused absences, increased likelihood to attend postsecondary education, and an overall better attitude towards school.³⁹ Mentoring also show promise in the prevention of substance misuse and the reduction of some negative behaviors.⁴⁰

Dually Involved Children

Crossover is a broad term used to refer to at-risk children who have experienced maltreatment and who have engaged in delinquent behavior. Terms often used to describe subsets of this population include dually involved and dually adjudicated. Many children who have experienced child maltreatment early in life may only encounter the juvenile justice system later on. There are four common ways children fall into the crossover category:

Overview of Pathways Leading to Crossing Over			
	Starting Point	Occurrence	Result
Pathway 1	Child has an open child welfare case	Child is arrested	Child enters the delinquency system
Pathway 2	Child is arrested	Child has a previously closed child welfare case	Referral is made to child welfare agency
Pathway 3	Child is arrested – no previous contact with child welfare	Upon investigation, maltreatment is discovered	Referral is made to child welfare agency
Pathway 4	Child is arrested, adjudicated, and placed in a correctional placement	Time in correctional placement ends, but there is no safe home to return to	Referral to child welfare agency

In comparison to their peers, crossover children have higher rates of mental health issues, higher rates of recidivism, educational challenges, placement instability, poor permanency outcomes, and extensive behavioral problems. In adulthood, such children are more likely to interact with the criminal justice system, use more public services, and remain unemployed with fewer earnings over time.

Data on Dually Involved Children

Systems of care rarely share information therefore identifying and responding to dually involved children is difficult to find. Most of the research on dually involved children is the result of special projects that match cohorts of children from one system to another. Findings of available research include:

³⁸ See Jekielek, M.A., Moore, Kristin, Hair, Elizabeth, and Scarupa, Harriet, *Mentoring: A Promising Strategy for Youth Development* (Feb. 2002), *Child Trends*, <https://www.childtrends.org/wp-content/uploads/2002/02/MentoringRB.pdf>

³⁹ *Id.*

⁴⁰ *Id.*

- Upwards of 50 percent of children referred to delinquency juvenile courts may be dually involved.⁴¹
- Between 7 percent and 30 percent of children in the child welfare system, between the ages of 10 and 18, are eventually served by the juvenile justice system.⁴²
- Family risk factors and the number of incidents with protective services increase the likelihood of a child arrest regardless of age and gender.⁴³
- Placement instability has more negative consequences for offending than just being placed in out-of-home care.⁴⁴ For example, one study found that children who moved three or more times had significantly higher arrest rates for all types of criminal behavior.⁴⁵
- There is some indication that positive attachments to others and safe school environments reduce the likelihood of delinquency among maltreated children.⁴⁶
- Childhood abuse and neglect increases the odds of future delinquency and adult criminality overall by 29 percent.⁴⁷

In December 2021, 767 children were served by *both* DCF and DJJ. The graph below depicts the statewide trend of dually involved children and their placements in care from June 2017 to December 2021.⁴⁸ Based on this data, a significant portion of dually involved children live in out-of-home care. There is no readily available data indicating how these children came into care and how their needs are being met by DCF and DJJ.

⁴¹ Douglas Thomas et. al., *When systems collaborate: how three jurisdictions improved their handling of dual-status cases*, Nat'l Ctr. For Juv. Justice (2015), <https://www.ncjfcj.org/wp-content/uploads/2015/05/WhenSystemsCollaborateJJGPSCaseStudyFinal042015.pdf>.

⁴² Cutuli, JJ, et al., *From foster care to juvenile justice: exploring characteristics of youth in three cities*, https://link.springer.com/epdf/10.1007/s10964-019-01090-3?author_access_token=jPBoH90dEh7dOhxNe9mvuve4RwlQNchNByi7wbcMAY5vpzFiYs87Z_Lzh70N-LjV4D_jU6Q0H4vHbfn8PFKJS6vKDWpp8mYYeB3wfUbKlHnAPQA2HUx-Qyf4lchyHDS_xVWLdZUfnEKTAXu4qSPFyw%3D%3D.

⁴³ Johnson, K., Ereth, J., and Wagner, D. (2004), *Juvenile Delinquency Among Children Involved in a Child Maltreatment Investigation: A longitudinal study*, Madison, Wis.: Children's Research Center.

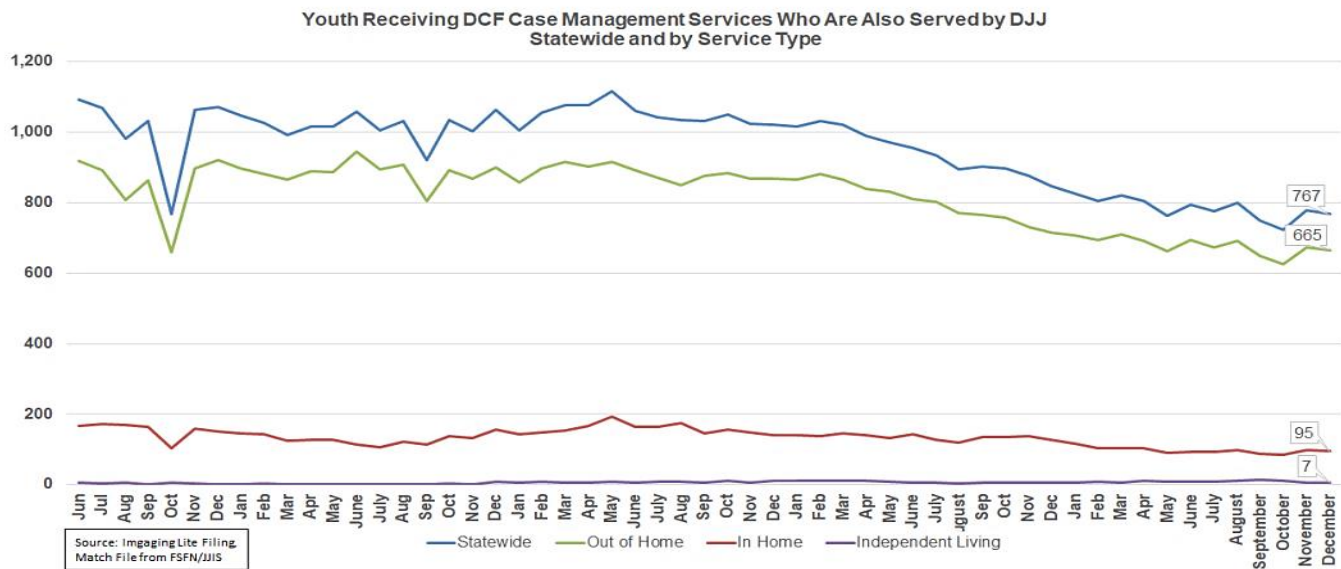
⁴⁴ Widom, C.S., and Maxfield, M.G. (2001). *An update on the "cycle of violence": Research in Brief*, Washington, DC.: U.S. Department of Juvenile, Office of Justice Programs, National Institute of Justice.

⁴⁵ *Id.*

⁴⁶ Ryan, J.P., Testa, M.F., Zhai, F., (2008) *African American youth in foster care and the risk of delinquency: The value of social bonds and permanence*, Child Welfare, 87(1) 115-40; Crooks et al., *Project Confirm: An outcome evaluation of a program for children in the child welfare and juvenile justice systems*, Youth Violence and Juvenile Justice, 4, 97-115; and Benda, B. B., and Corwyn, R. F. (2002), *The effect of abuse in childhood and in adolescence on violence among adolescents*, Youth & Society, 33(3), 339-65. DOI: 10.1177/0044118X02033003001.

⁴⁷ *Supra* note 41.

⁴⁸ Florida Department of Children and Families, *Child Welfare Key Indicators Monthly Report*, (Jan. 2022), http://www.centerforchildwelfare.org/ga/cwkeyindicator/KI_Monthly_Report_Jan%202022.pdf.



A draft DJJ-DCF Crossover Report for FY 2016-17 is the most recent data available from DJJ.⁴⁹ The table below represents children served at various levels in the DJJ system during FY 2106-17 by DCF level of care since 2005.⁵⁰

DCF Involvement	DJJ Involvement						
	Prevent	Civil Citation	Intake	Diversion	Probation	Commitment	Aftercare
No DCF Involvement	7,346	8,020	15,600	8,424	7,346	1,067	1,045
Investigation	7,472	3,620	13,684	5,659	7,472	1,823	1,484
In Home	1,278	508	2,318	866	1,278	383	318
Out-of- Home	3,253	931	5,656	1,780	3,253	1,002	755
Total	19,349	13,079	37,258	16,729	19,349	4,275	3,602

There is a lack of consistent data collection at the DCF and DJJ level. For example, there is no readily available data from DJJ that includes current data on dually involved children. Additionally, DCF published data is limited to children currently being served by *both* DJJ and DCF, and does not include past involvement with either agency. There is no readily available data on the number of children placed in foster care after leaving DJJ custody or data on placement disruptions or time to placement for this specific population. Increased information is important to identify and serve this at-risk population.

Effect of the Bill

Mentorship for At-Risk Male Students

The bill creates s. 409.1467, F.S., to provide grants to not-for-profit organizations to offer mentorship programs to at-risk male students. Subject to available funds, DCF shall contract with Volunteer Florida to provide grants to:

⁴⁹ Draft DJJ-DCF Crossover Report FY 2016-17 (on file with the House Children, Families, & Seniors Subcommittee.

⁵⁰ *Id.*

- Assist at-risk male students in middle and high school in developing social, emotional, and cognitive skills to prepare them for success.
- Provide an opportunity for smaller not-for-profit organizations to receive training and technical assistance that will strengthen their capacity to provide high-quality, effective services and obtain additional non-state funding in the future.

The bill sets eligibility requirements for organizations to receive a grant. These eligibility requirements include:

- Serving males between ages 13 and 18 who live in underserved communities or are at-risk of starting or continuing criminal involvement or not reaching their academic potential.
- Having organization management and a board of directors reflective of the community served by the organization.
- Recruiting and training mentors.
- Providing mentorship, social, academic support, life skill development, and other opportunities for eligible male students.
- Using trauma-informed practices and interventions to address adverse childhood experiences.

The bill requires applicants to include in the application the number of individuals they plan to serve through the grant and the projected costs for the new or expanded mentorship program.

The bill limits the grant award total between \$25,000 and \$250,000, and a grant may be awarded for up to three years. The bill specifies that an organization may receive only one grant every three years.

The bill requires grant recipients to submit reports in a format and at intervals set by Volunteer Florida. Further, within six months after receipt of the grant award, organizations must complete training in non-profit management, outcome measurement, and positive youth development.

The bill requires Volunteer Florida to offer technical assistance to organizations receiving grants.

Dually Involved Children

The bill requires DCF and DJJ to identify children dually involved with both systems of care. DCF and DJJ must collaboratively take appropriate action within available resources to meet the needs of such children more effectively. Beginning in fiscal year 2022-23 through fiscal year 2023-24, the agencies must take such action and jointly submit to the Legislature quarterly reports that include, at a minimum, data on how many children are dually involved with both systems of care, how both agencies track children who become dually involved, and actions taken by both agencies to better serve dually involved children.

Florida's Child Welfare System

Current Situation

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. DCF and CBC's work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for children.

Dependency Court Process

When child welfare necessitates that DCF remove a child from the home, a series of dependency court proceedings must occur to adjudicate a child dependent and place that child in out-of-home care.

The Dependency Court Process

Dependency Proceeding	Description of Process	Controlling Statute
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial.	s. 39.507, F.S.
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition Hearing	The court may change temporary placement at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

Unless excused by the dependency judge, the appearance of a party⁵¹ to a dependency case is required for dependency proceedings. Florida's dependency statutes were not originally drafted to specifically address issues of remote appearances at hearings or conferences.⁵² Currently, s. 39.01, F.S., does not define the terms "present", "presence" or "appearance". Prior to COVID-19, the majority of appearances in dependency proceedings were in person, and statutory references to "personal appearance" or "personally appear" would reasonably be understood to mean a person's physical presence in a courtroom. However, due to COVID-19, many hearings are being held remotely with lawyers, parties, and others appearing through the use of audio-visual equipment.⁵³

⁵¹ S. 39.01(38) defines "party" to mean the parent or parents of the child, the petitioner, the Department of Children and Families, the guardian ad litem or the representative of the guardian ad litem program when the program has been appointed, and the child.

⁵² Dependency and Delinquency Court Proceedings, Steering Committee on Families and Children in Court (on file with the House Children, Families, and Seniors Subcommittee).

⁵³ *Id.*

Multidisciplinary Teams

Florida's child welfare system finds safe out-of-home placements for children when children cannot safely remain at home with parents. A child may be placed with a relative, fictive kin, licensed foster parent, in a group home or a residential setting.⁵⁴ When a child must be moved to another placement or there is an important decision that must be made regarding the child, statute requires the use of a multidisciplinary team (MDT) staffing.⁵⁵ The formation of an MDT must begin as soon as possible when a child is removed from the home or before a child is moved from a current placement, or within 72 hours in an emergency situation. DCF or the CBC must invite the following to each MDT staffing, with reasonable efforts to have all mandatory invitees attend:

- The child, unless not of an age or capacity to participate in the staffing.
- The child's family members and other individuals identified by the family as being important to the child, provided that a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights may not participate.
- The child's current caregiver, unless the caregiver is a parent who has a no contact order or injunction, is alleged to have sexually abused the child, or is subject to a termination of parental rights.
- A representative from DCF, other than the DCF attorney, when DCF is directly involved in the decision being made by the staffing.
- A representative from the CBC, when the CBC is directly involved in decision being made by the staffing.
- The child's case manager or case manager supervisor.

Additionally, based on the particular decision being made at the staffing, DCF or the CBC may also invite other professionals, including, but not limited to:

- A representative from Children's Medical Services, if Children's Medical Services is involved with the family;
- A guardian ad litem, if one is appointed;
- A school personnel representative who has direct contact with the child;
- A therapist or other behavioral health professional, if applicable;
- A mental health professional with expertise in sibling bonding, if DCF or the CBC deems such expert is necessary; or
- Other community providers of services to the child or stakeholders, when applicable.

Before formulating a decision regarding the child, the members of the MDT must gather and consider data and information on the child which is known at the time of the staffing. The assessment conducted by the MDT may also use an evidence-based assessment instrument or tool that is best suited for determining the specific decision of the staffing and the needs of the child and family.

DCF and CBC's must follow and support an MDT decision if the MDT participants reach a unanimous consensus decision. However, if participants cannot come to a unanimous consensus decision, the MDT facilitator must notify the court and DCF within 48 hours after the conclusion on the staffing. DCF must then determine how to address the issues raised at the staffing by what is in the child's best interest.

⁵⁴ R. 65C-28.004, F.A.C.

⁵⁵ S. 409.4022, F.S.

Out-of-Home Placements

Children in out-of-home care can be placed with relatives, nonrelatives who have an emotionally significant relationship with the child,⁵⁶ licensed foster parents, in group homes or residential settings.⁵⁷ Relative and nonrelative caregivers may participate in programs to receive funding while caring for children in out-of-home care. The relative or nonrelative decides which program to participate in depending on their needs and the eligibility requirements for each program.

Relative Caregiver Program

Florida created the Relative Caregiver Program (RCP) in 1998⁵⁸ to provide financial assistance to eligible relatives caring for children who would otherwise be in the foster care system. In 2014, the Legislature expanded the program to include nonrelatives with whom a child may have a close relationship but are not blood relatives or relatives by marriage.⁵⁹ Those nonrelatives are eligible for financial assistance if they are able and willing to care for the child and provide a safe, stable home environment. The court must find that a proposed placement is in the child's best interest.⁶⁰

The intent of the RCP is to provide support to relative and nonrelative caregivers who would otherwise struggle with the financial impact of taking children into their homes. The program is funded with a combination of federal revenues under the Temporary Assistance for Needy Families (TANF) program and state revenues (particularly for the nonrelative component, which does not qualify for TANF funding).⁶¹ Currently, the basic monthly payment amount to relative and nonrelative caregivers under RCP is linked to the age of the child in care:⁶²

- Age 0 through age 5 - \$242 per month.
- Age 6 through age 12 - \$249 per month.
- Age 13 through age 18 - \$ 298 per month.

Relative and nonrelative caregivers may become eligible for RCP subsidies without having to meet foster care licensure standards.⁶³

Guardianship Assistance Program

The Guardianship Assistance Program (GAP) is a federally-funded program to support relatives and nonrelatives who are guardians of children who were removed from their homes due to abuse or neglect.⁶⁴ GAP was implemented in Florida in 2019. Section 39.6225, F.S., sets the eligibility requirements to participate in Florida's GAP. In keeping with federal requirements, for a guardian to qualify to receive benefits on behalf of the child, the guardian must:

⁵⁶ These nonrelatives are defined as "fictive kin" in s. 39.01, F.S.

⁵⁷ R. 65C-28.004, F.A.C.

⁵⁸ S. 39.5085, F.S.

⁵⁹ Ch. 2014-224, L.O.F.

⁶⁰ S. 409.988(3), F.S.

⁶¹ Some children placed with a relative guardian are eligible for the TANF "child only" program. See Department of Children and Families, *Temporary Assistance to Needy Families State Plan Renewal: October 1, 2017 – September 30, 2020*, <http://www.dcf.state.fl.us/programs/access/docs/TANF-Plan.pdf> (last visited Mar. 17, 2019).

⁶² R. 65C-28.008(2)(g), F.A.C.

⁶³ S. 39.5085(2)(c), F.S.

⁶⁴ Florida Department of Children and Families, Office of Child Welfare, *Guardianship Assistance Program (GAP)*, [Guardianship Assistance Program Community Supports - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited Jan. 20, 2022).

- Have the child's placement approved by the court;
- Have the court grant legal custody of the child to the guardian;
- Be licensed as a Level I provider of foster care under s. 409.175, F.S.; and,
- Be a guardian for the child who was eligible for federal foster care maintenance payments under Title IV-E for at least six consecutive months while the child resided in the home of the guardian and the guardian was licensed as a provider of foster care.

DCF provides GAP participants assistance payments of \$4,000 annually, or another amount specified in a written agreement, paid on a monthly basis.⁶⁵ Participants are also eligible for a one-time payment of up to \$2,000 for expenses associated with obtaining legal guardianship of a child.

Child Care Subsidy

In 2020, the average annual cost of infant child care in Florida was approximately \$9,312.⁶⁶ Single parents in Florida spend, on average, 34.7% of their income on infant child care.⁶⁷ Married parents of two children living at the poverty line spend approximately 65% of their household income for child care.⁶⁸ The average price of infant child care in Florida is currently more than the average annual tuition and fees at a public four-year college or university.⁶⁹

If a child in out-of-home care needs child care, foster parents and relative or nonrelative caregivers may receive a child care subsidy provided through the School Readiness program.

Established in 1999,⁷⁰ the School Readiness program provides subsidies for child care services and early childhood education for children, including children in protective services who are at-risk of abuse, neglect, abandonment, or homelessness and foster children.⁷¹ The School Readiness program offers financial assistance for child care to these families while supporting children in the development of skills for success in school. Additionally, the program provides developmental screening and referrals to health and education specialists when needed.⁷²

School Readiness funding for participating providers comes primarily from reimbursements from early learning coalitions (ELC) and tuition payments by participating families.⁷³ Each ELC reimburses participating providers with appropriated funds for each eligible child, either through child care certificates provided by parents or through contracted slots.⁷⁴ The reimbursement and co-payment amounts are determined locally by ELC's. Any additional amount a parent must pay is based on the difference between the provider's tuition rate and the sum of the reimbursement rate and required

⁶⁵ S. 39.6225(5)(d), F.S.

⁶⁶ Child Care Aware, *Price of Child Care in Florida*, https://info.childcareaware.org/hubfs/2019%20Price%20of%20Care%20State%20Sheets/Florida.pdf?utm_campaign=2019%20Cost%20of%20Care&utm_source=2019%20COC%20-%20FL.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ S. 1, ch. 99-357, L.O.F.

⁷¹ Ss. 1002.81 and 1002.87, F.S.

⁷² Florida Department of Education, Division of Early Learning, *School Readiness Program*, <http://www.floridaearlylearning.com/school-readiness> (last visited Feb. 1, 2022).

⁷³ See ss. 1002.84(8) and 1002.89, F.S.; Specific Appropriation 86, s. 2, ch. 2019-115, L.O.F.

⁷⁴ See R. 6M-4.500(1), F.A.C.; see also 45 C.F.R. s. 98.20(a); See Division of Early Learning, *Florida Child Care Development Fund (CCDF) Plan with Conditional Approval Letter for FY 2019-2021*, at 53 (October 1, 2018), http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CCDBG_FY2019-2021CCDFPlanFINAL_FINAL_4.9.19.pdf.

parent co-payment. Reimbursement amounts vary based on provider type and level of care, and co-payments are determined using a sliding fee scale.⁷⁵

Current law requires each ELC to give priority for participation in the school readiness program according to specified criteria with an at-risk child being second on the priority list.⁷⁶ However, even with this prioritization, there are often not enough spaces in school readiness programs for all children who are the subject of dependency proceedings.

Under the Rilya Wilson Act, children in the foster care system who are enrolled in an early education or child care program must be kept in the program and attend the program at least 5 days per week.⁷⁷

As of December 2021, 10,305 children under the age of 6 were in out-of-home care with licensed foster parents, relative caregivers, or non-relative caregivers.⁷⁸

Effect of the Bill

Court appearance

The bill amends s. 39.013, F.S., to allow that an individual's appearance or attendance at a hearing or conference may be through physical appearance or, at the discretion of the court, by audio-visual communication technology. If audio-video communication technology will be used to conduct the hearing or conference, the court must provide written notification in advance to each party that includes all relevant information and instructions on how to attend the hearing or conference.

Multidisciplinary Teams

The bill requires DCF or CBC's to invite a representative from DJJ to MDT staffings when the child is dually involved with DCF and DJJ. This ensure that the necessary professionals who are involved with the child are a part of the discussion and decision being made at the MDT staffing.

Relative Caregivers

The bill allows relative and nonrelative caregivers to participate in the RCP only if the caregiver meets all eligibility requirements and is unable to meet licensure standards required for GAP. This encourages licensure and provides the caregiver with a higher amount of financial support and encourages higher quality of care for children.

Child Care Subsidy

The bill requires a monthly child care subsidy be given to foster parents and relative and nonrelative caregivers who have a child between the age of birth to school entry placed in their care and who attends an early learning or child care program. The subsidy is up to \$200 to fund any cost of the early learning or child care program attended by the child. The amount given to the foster parent or relative or nonrelative caregiver is to fund the cost not covered by any state subsidy from the early learning coalition.

⁷⁵ See s. 1002.895, F.S.; rules 6M-4.400(2) and 6M-4.500(1), F.A.C.

⁷⁶ S. 1002.87, F.S.

⁷⁷ S. 39.604, F.S.

⁷⁸ Department of Children and Families, Office of Child Welfare, Dashboard, <https://www.myflfamilies.com/service-programs/child-welfare/dashboard/> (last visited Feb. 1, 2022).

Older Foster Youth

Current Situation

Young adults who age out of the foster care system have trouble achieving self-sufficiency. Compared to young adults without foster care involvement, these young adults are less likely to earn a high school diploma or GED, or attend college. They are more likely to suffer from mental health problems, have a higher rate of criminal justice system involvement, have difficulty achieving financial independence, need public assistance, and to experience housing instability and homelessness.

In Federal Fiscal Year 2017, around 189,000 teens and young adults spent at least one day in foster care.⁷⁹ Of those who left care during that year, more than 19,000 aged out of care. This generally means youth reached a state's legal age of adulthood without reaching permanency.

In State Fiscal Year (SFY) 2020-21, 1,047 young adults started the year at 17 years of age in Florida's foster care system.⁸⁰ Of those, 862 (82%) aged out of care at the age of 18. Such foster youth can elect to enter Florida's extended foster care program if they meet certain requirements. Of these, 477 entered extended foster care and were eligible to receive foster care services until age 21 (or 22 if disabled).⁸¹

Independent Living Services

Florida provides independent living services to older youth to help them transition out of foster care and to prepare them to become self-sufficient adults. Florida's independent living services include extended foster care, which applies to young adults who were in licensed foster care upon turning 18.⁸² Florida also offers two other independent living programs: Postsecondary Education Services and Supports (PESS) and Aftercare Services. The following table provides information on the eligibility to participate in Florida's independent living programs and the services provided by each program.

⁷⁹ Congressional Research Services, *John H. Chafee Foster Care Program for Successful Transition to Adulthood* (Jan. 15, 2019) <https://fas.org/sqp/crs/misc/IF11070.pdf>

⁸⁰ Email from John Paul Fiore, Legislative Affairs Director, Florida Department of Children and Families, Updated Info, Jan. 20, 2022 (on file with the House Children, Families, and Seniors Subcommittee).

⁸¹ *Id.*

⁸² Ch. 2013-178, L.O.F.

Program	Eligibility	Services
Extended Foster Care (EFC)	<p>Young adults who turned 18 in foster care and are:</p> <ul style="list-style-type: none"> • Completing high school or its equivalent; or • Enrolled in college or vocational schooling; or • Working at least 80 hours per month. <p>To stay in EFC, the young adult must:</p> <ul style="list-style-type: none"> • Meet with a case manager every month. • Continue to participate in at least one of the required activities above. • Attend court reviews every six months. 	Young adults may choose to remain in licensed foster care and receive foster care services until the age of 21 (22 with a disability).
Postsecondary Education Services and Support (PESS)	<ol style="list-style-type: none"> 1. Young adults who turned 18 in foster care and spent at least 6 months in licensed out-of-home care before age 18. 2. Young adults who are at least 18 and were adopted from foster care after age 16 or were placed with a court-approved guardian after spending at least 6 months in licensed foster care within the 12 months immediately preceding such adoption or placement; and <ul style="list-style-type: none"> • Have earned a high school diploma or equivalent; and • Are attending a college or vocational school that is Florida Bright Futures eligible. 	<ul style="list-style-type: none"> • \$1,256 per month for: <ul style="list-style-type: none"> ○ Housing ○ Utilities ○ Living expenses • Available until the age 23.
Aftercare Services	<p>Young adults who turned 18 while in licensed foster care, but are not yet 23, and</p> <ul style="list-style-type: none"> • Are <i>not</i> in EFC; or • Are <i>not</i> in PESS. 	<ul style="list-style-type: none"> • Mentoring • Tutoring • Substance abuse treatment • Counseling • Job and career skills training • Temporary financial assistance for necessities

In addition, s. 409.1452, F.S., requires DCF to work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to help address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or continue to remain in the foster care system in making the transition from a structured care system into an independent living setting. To accomplish this, campus coaching positions provide current and former foster children and young adults with dedicated, on-campus support.

DCF determines which state universities or colleges offer a campus coaching position based on departmental demographic data indicating the greatest need.⁸³ The campus coaching positions are employees of the educational institutions. The Chancellors of the Florida College System and the Board of Governors must report annually to DCF specific data, subject to privacy laws, about the children and young adults served by the campus coaches, including academic progress, retention rates for students enrolled in the program, financial aid requested and received, and information required by the National Youth in Transition Database.⁸⁴

Postsecondary Education Services and Supports

Since the passage of the Foster Care Independence Act of 1999, federal law has encouraged states to create programs to support a continuum of services to youth aging out of foster care. As part of the Florida's Road-to-Independence program, the Postsecondary Education Services and Support (PESS) program provides eligible youth with financial assistance to complete postsecondary education.

⁸³ S. 409.1452, F.S.

⁸⁴ S. 409.1452, F.S.

DCF must advise the availability of PESS and must provide information on the criteria and application process for PESS to children and young adults leaving, or who were formerly in, foster care; their caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.⁸⁵ DCF or the CBC must annually determine whether a young adult meets the eligibility requirements for a renewal award for the subsequent year.⁸⁶ PESS services are terminated upon the child turning 23, or if the child no longer meets eligibility requirements.

Young adults in PESS drop out of postsecondary education due to limited support and financial hardship. The current amount received has not changed since 2013, and young adults find the amount inadequate to support housing and other necessities.⁸⁷ Some young adults must get jobs to make up the difference, which results in them falling behind in meeting the academic requirements to participate in PESS.⁸⁸

Additionally, some young adults participate in PESS to receive the financial stipend but they do not have the skills necessary to succeed in postsecondary education and live independently.⁸⁹ Although some CBC's assist young adults in meeting skill deficits, there is no requirement for the young adult to receive an assessment and strengthen skill deficits prior to participation in PESS. Young adults receive the financial stipend without knowing how to budget money appropriately to meet their financial needs. This could be the first time the young adult receives a significant amount of money, but there is no requirement for DCF or CBC's to work with young adults on financial literacy. Young adults also exit PESS without a transition plan to live independently and be self-sufficient. There no requirement for DCF or CBC's to work with young adults prior to exiting PESS to develop a transition plan that details how the young adult will live independently and be self-sufficient without the financial stipend provided under PESS.

In SFY 2019-20, 809 young adults were in PESS.⁹⁰

Tuition and Fee Exemptions for Youth in Foster Care

Youth in foster care face a multitude of barriers when it comes to higher education, and as a result, the most cited statistic nationally is that about 4 percent graduate from college by the time they reach the age of 26, compared to 36 percent of the general population.⁹¹

Florida first enacted a law providing a fee exemption for youth in foster care in 1988.⁹² The initial exemption was provided to young adults in foster care. The exemption was limited to 8 semesters with the possibility of extending to 10 semesters if the recipient had to take college preparatory classes or needed extra time to pass communication and computation skills testing. Students had to maintain a 2.0 GPA on a 4.0 scale.

⁸⁵ S.409.1451(2)(d)1., F.S.

⁸⁶ S. 409.1451(2)(d)3., F.S.

⁸⁷ Children, Families, and Seniors Subcommittee Questions, Answered by Florida Youth SHINE Youth and Young Adults (on file with the Children, Families, and Seniors Subcommittee).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Florida Department of Children and Families, Independent Living Services Annual Report (Jan. 31, 2021), https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2021LMRs/Independent_Living_Services_2020_Annual_Report.pdf.

⁹¹ Youth Today, *As More Schools Aid Foster Students, Data on Results Needed, Researchers Say*, <https://youthtoday.org/2019/03/as-more-colleges-states-aid-youth-in-foster-care-data-on-results-is-needed-researchers-say/> (last visited Jan. 30, 2022).

⁹² *Id.*

In 1997, the tuition and fee exemption was expanded to cover all children adopted from the child welfare system after December 31, 1997.⁹³ In 2002, the exemption was expanded again to cover a student who is or was at the time he or she turned 18 years old in the custody of a relative participating in the Relative Caregiver Program.⁹⁴ In 2006, another expansion was granted to any student who after spending at least 6 months in the custody of DCF after reaching 16 years of age was placed in a guardianship by the court.⁹⁵ In 2010, the Legislature, recognizing the difficulties that former foster youth have in completing higher education upon emancipation, expanded the exemption to cover students until age 28 and removed the GPA requirement and the limitation as to the number of credit hours or semesters for which it is available.⁹⁶

Effect of the Bill

Postsecondary Education Services and Supports

The bill increases the monthly stipend awarded to young adults in PESS from \$1,256 to \$1,720 to assist young adults in meeting their needs while in postsecondary education.

The bill also requires DCF or CBC's to assess executive functioning, self-regulation, and similar skills that are important for successful completion of postsecondary education. DCF or CBC's must do this assessment prior to the young adult's enrollment in postsecondary education and must provide information and referral to the young adult as needed to assist him or her in strengthening necessary skills.

The bill also requires DCF or CBC's to assist the young adult with developing a transition plan that includes, at a minimum, how the young adult will meet his or her financial needs and obligations when funding under PESS is no longer provided. The transition plan must be completed during the year before the young adult graduates from postsecondary education or the year before the young adult turns 23, whichever occurs first.

Tuition and Fee Exemptions for Youth in Foster Care

The bill expands the scope of potential students eligible for a tuition and fee exemption to include a student who was the subject of a dependency proceeding and who:

- Is or was at the time of reaching 18 years of age, in out-of-home care, rather than in the custody of the DCF as is provided in current law.
- After reaching 14 years of age, spent at least 18 months in out-of-home care and was then reunited with his or her parents who were the subject of the dependency proceeding before reaching 18 years of age. A student is only eligible for this tuition exemption if, in addition to the above-described factors, the student is also Pell Grant-eligible.
- Was placed in a permanent guardianship, regardless of whether the caregiver participates in the Relative Caregiver Program under s. 39.5085, F.S., and remains in such guardianship either until the student reaches 18 or, if before reaching 18, he or she enrolls in an eligible institution.

The bill amends s. 409.1452, F.S., to require on-campus liaisons to provide children and young adults currently in or formerly in foster care or who are experiencing homelessness with on-campus support. The bill requires each institution where a student is exempt from the payment of tuition and fees under

⁹³ S. 240.235(5)(a), F.S. (1997). In 1998 and 1999, the December 31, 1997 dates were changed to May 5, 1997.

⁹⁴ Ch. 2002-38, L.O.F.

⁹⁵ Ch. 2006-194, L.O.F.

⁹⁶ Ch. 2010-68, L.O.F.

s. 1009.25, F.S., to have, at a minimum, a knowledgeable, accessible, and responsive staff member who can provide effective assistance to students using the exemption in resolving any problems related to use of the exemption. The bill allows postsecondary institutions to provide coaching services other supports, in addition to liaisons, to such students to promote their successful completion of postsecondary education and transition to independent living.

The bill also requires postsecondary institutions to maintain the original documentation submitted regarding a child or young adult's involvement in the child welfare system that confers eligibility for the tuition and fee exemption. The bill prohibits the postsecondary institution from making additional requests for such documentation.

Children's Initiatives

Current Situation

Children's Initiatives in Florida

In 2008, the Legislature created s. 409.147, F.S., which established children's initiatives. Florida children's initiatives assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within [their] boundaries.⁹⁷

Section 409.147, F.S., outlines the process for a county or municipality (or designated area) to apply to the Ounce of Prevention Fund of Florida, Inc. (Ounce) to designate an area as a children's initiative. The governing body must first adopt a resolution finding the area has issues related to poverty, that changes are necessary for the area to improve, and that resources are necessary for revitalization of the area.⁹⁸ The county or municipality must then establish a children's initiative planning team and develop and adopt a strategic community plan.⁹⁹ Once a county or municipality has completed these steps, they must create a not-for-profit corporation to facilitate fundraising and secure broad community ownership of the children's initiative.¹⁰⁰

There are five children's initiatives in Florida:¹⁰¹

- New Town Success Zone in Jacksonville.
- Miami Children's Initiative.
- Parramore Kidz Zone in Orlando.
- Sulphur Springs Neighborhood of Promise in Tampa.
- Overtown Children and Youth Coalition in Miami.

The Ounce of Prevention Fund of Florida

The Ounce is a private, nonprofit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families, and

⁹⁷ S. 409.147(1)(b), F.S.

⁹⁸ S. 409.147(4)(a), F.S.

⁹⁹ S. 409.147(5), 409.147(6), F.S.

¹⁰⁰ S. 409.147(7), F.S.

¹⁰¹ The Ounce of Prevention Fund of Florida, *Children's Initiative Communities in Florida*, https://ounce.org/fci_communities.html (last visited Feb. 1, 2022).

communities.¹⁰² The Ounce identifies, funds, supports, and tests innovative programs to improve the life outcomes of children, preserve and strengthen families, and promote healthy behavior and functioning in society.¹⁰³ The Legislature identifies the Ounce as the only organization able to designate areas in Florida as children's initiatives.¹⁰⁴

Effect of the Bill

The bill requires children's initiatives to update strategic community plans every five years to reflect, at a minimum, the current status of the area served by the children's initiative, the goals, objectives, and strategies for each focus area, and the tasks required to implement the strategies the following year. The bill requires the Ounce to directly provide technical assistance to the corporations designated as a children's initiative to facilitate achievement of the strategic community plans.

The bill also sets requirements for children's initiatives to receive state funding. Unless otherwise specified in the general appropriations act, a children's initiative must be awarded state funding through a performance-based contract that links payments to achievement of outcomes directly related to the goals, objectives, strategies, and tasks outlines in the strategic community plan. It also sets priority for funding to go to children's initiatives being established in counties which do not currently have an initiative.

Child Support

Current Situation

Title IV-D Cases

Title IV-D (IV-D) refers to Title IV, Part D of the Social Security Act, which is the federally funded, state administered child support enforcement program.¹⁰⁵ The IV-D program is administered by the federal Office of Child Support Enforcement (OCSE), within the United States Department of Health and Human Services. The OCSE oversees the national child support program and partners with state and local child support agencies to encourage parental responsibility so that children receive financial, emotional, and medical support from both parents, even when they live in separate households.¹⁰⁶ The OCSE does not provide services directly to families, but helps state child support agencies develop, manage, and operate their child support programs effectively and according to federal law.¹⁰⁷

As Florida's IV-D agency,¹⁰⁸ the Department of Revenue (DOR) is responsible for collecting and enforcing child support.¹⁰⁹ The Child Support Program provides child support services to over one million children and collects over a billion dollars in child support each year.¹¹⁰ The Child Support Program works with parents, employers, financial institutions, the Internal Revenue Service, state and

¹⁰² The Ounce of Prevention Fund of Florida, <https://www.ounce.org/> (last visited Jan. 28, 2022).

¹⁰³ *Id.*

¹⁰⁴ S. 409.147(4), F.S.

¹⁰⁵ 42 U.S.C. ss. 651, et. seq.

¹⁰⁶ *Id.*

¹⁰⁷ U.S. Department of Health & Human Services, Office of Child Support Enforcement (OCSE), An Office of the Administration for Children & Families, *About the Office of Child Support Enforcement*, <https://www.acf.hhs.gov/css/about> (last visited Jan. 28, 2022).

¹⁰⁸ S. 409.2557(1), F.S.

¹⁰⁹ See s. 61.13, F.S.

¹¹⁰ Florida Department of Revenue (DOR), *Child Support Program: Overview 2019*, https://floridarevenue.com/childsupport/Documents/pdf/CS-1003x_Child_Support_Overview_Presentation_External_2020_FFY_2018-19.pdf (last visited Jan. 28, 2022).

local agencies, and courts throughout the state to receive timely child support payments and also works with families and partners to:¹¹¹

- Locate parents, employers, and assets;
- Establish paternity;
- Establish and modify child support orders;
- Collect and disburse child support payments; and
- Monitor and enforce child support orders.

Child support services are available even if a parent lives in another state or country. To receive the no-cost services from the Child Support Program, families either complete an application for services or are automatically referred because a parent is receiving cash or food assistance.¹¹²

The DOR offers child support services in all but two Florida counties, partnering with the State Attorney's Office for services in Miami-Dade County and the Manatee County Clerk of Court for services in Manatee County.

Other than contacting DOR directly, there is currently not an accessible resource for obligors who are having difficulty paying child support due to economic hardship.

Non-IV-D Cases

A non-IV-D child support case is a case in which a court has determined that income withholding for support is required and neither the employee/obligor nor the custodial party/obligee has applied for, or is receiving, child support services through their state's IV-D agency.

Delinquent Child Support Payments

When an obligor is delinquent in making required child support payments, DOR may increase the amount of the monthly support obligation to include amounts for delinquencies.¹¹³ If the obligor is not subject to income deductions, DOR must notify the obligor of his or her delinquency and of DOR's intent to require an additional 20 percent of the monthly obligation amount to allow for collection of the delinquency unless, within 20 days, the obligor pays the delinquency in full or files a petition with the circuit court to contest the delinquency status.¹¹⁴

Statue currently doesn't require the notification information to include information on how the obligor can access services if the obligor is having trouble paying child support due to economic hardship.

Effect of the Bill

The bill requires DOR to establish on its website a dedicated webpage that provides information to obligors who have difficulty paying child support due to economic hardship, and provide a link to the webpage on the main child support page. The bill requires the webpage to be in plain language, and include, at a minimum, information on how an obligor can modify a child support order, information on how to access services from CareerSource Florida and organizations receiving grants that assist non-custodial parents meet child support obligations, and hyperlinks to the CareerSource Florida website.

¹¹¹ *Id.* at 7.

¹¹² *Id.* at 5.

¹¹³ S. 409.2564(9)(a), F.S.

¹¹⁴ S. 409.2564(9)(b), F.S.

The bill requires the delinquent child support payments notification provided to obligors to be in writing and include information on how the obligor can access the webpage mentioned above and information on how to access services through CareerSource Florida and organizations receiving grants that assist non-custodial parents meet child support obligations.

The bill requires Department of Economic Opportunity to award grants to organizations that assist non-custodial parents, who are unemployed or underemployed and have difficulty meeting child support obligations, become self-sufficient and establish a successful pattern of meeting child support payments.

Legislatively Mandated Reports

Current Situation

Several statutes mandate DCF to submit reports on various topics to the Legislature. Such reports include:

- Section 39.205(7), F.S., requires DCF to submit an annual report detailing the number of false reports referred to law enforcement for consideration of an investigation. This report has consistently indicated that the vast majority of hotline reports are made in good faith. In FY 2019-20, 0.18 percent of reports were suspected as being false. For the last five fiscal years, the percent of false reports have been below 0.30%, with a five-year average of 0.18%.
- Section 409.996(3), F.S. requires DCF to annually conduct a comprehensive, multiyear review of the revenues, expenditures, and financial positions of CBC's. The report must cover the most recent two consecutive fiscal years. The review must include a comprehensive system-of-care analysis and all CBC's must develop and maintain a plan to achieve financial viability. DCF's review and CBC plans must be submitted to the Governor and the Legislature by November 1 of each year. DCF reconciles all CBC accounting for the prior fiscal year around September 30, which cause a tight turnaround for finalization and review of the required report.
- S. 409.997(3), F.S., requires DCF to submit an annual Results Oriented Accountability performance report to the Governor and the Legislature by October 1 of each year. The report describes the current status of the community-based child welfare system of care. Because the current due date of the report is October 1 of each year, it uses draft data from May and June for the fiscal year. This does not allow inclusion of final annualized child welfare data for the fiscal year.

Effect of the Bill

The bill amends several statutes to remove or adjust the due dates for mandated legislative reports. Specifically, the bill:

- Removes the statutory requirement for a report to be submitted to the Governor and the Legislature on false reporting of child abuse, abandonment, and neglect.
- Amends the due date of the report required in s. 409.996(3), F.S., by requiring it to be submitted on December 1 rather than November 1. This change will allow DCF more time to reconcile all CBC accounting for the prior fiscal year.
- Amends the due date of the report required in s. 409.997(3), F.S., by requiring it to be submitted on November 15 rather than October 1. This allows the inclusion of final annualized child welfare data for the fiscal year.

B. SECTION DIRECTORY:

- Section 1:** Amending s. 39.013, F.S., relating to procedures and jurisdiction; right to counsel.
- Section 2:** Creating s. 39.0143, F.S., relating to dually involved youth.
- Section 3:** Amending s. 39.205, F.S., relating to penalties relating to reporting of child abuse, abandonment, or neglect.
- Section 4:** Amending s. 39.4022, F.S., relating to multidisciplinary teams; staffings; assessments; report.
- Section 5:** Amending s. 39.5085, F.S., relating to Relative Caregiver Program.
- Section 6:** Amending s. 383.011, F.S., relating to administration of maternal and child health programs.
- Section 7:** Amending s. 409.145, F.S., relating to care of children; “reasonable and prudent parent.”
- Section 8:** Amending s. 409.1451, F.S., relating to the Road-to-Independence Program.
- Section 9:** Amending s. 409.1452, F.S., relating to collaboration with Board of Governors, Florida College System, and Department of Education to assist children and young adults who have been or are in foster care.
- Section 10:** Creating s. 409.1464, F.S., relating to responsible fatherhood media campaign.
- Section 11:** Creating s. 409.1465, F.S., relating to fatherhood initiatives.
- Section 12:** Creating s. 409.1467, F.S., relating to mentorship for at-risk male students.
- Section 13:** Amending s. 409.147, F.S., relating to children’s initiatives.
- Section 14:** Amending s. 409.2557, F.S., relating to state agency for administering child support enforcement program.
- Section 15:** Amending s. 409.2564, F.S., relating to actions for support.
- Section 16:** Creating s. 409.25996, F.S., relating to organizations that assist non-custodial parents.
- Section 17:** Amending s. 409.988, F.S., relating to community-based care lead agency duties; general provisions.
- Section 18:** Amending s. 409.996, F.S., relating to duties of the Department of Children and Families.
- Section 19:** Amending s. 409.997, F.S., relating to child welfare results-oriented accountability program.
- Section 20:** Creating s. 683.334, F.S., relating to responsible fatherhood month.
- Section 21:** Amending s. 1009.25, F.S., relating to fee exemptions.
- Section 22:** Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Colleges and Universities

The bill has an indeterminate, but significant, negative revenue impact on state colleges and universities relating to the bill’s provisions expanding the tuition and fee exemption to additional individuals. An estimated 69,846 individuals currently qualify for the exemption under current law.¹¹⁵ An estimated 62,470 additional individuals would qualify for the exemption under the bill.¹¹⁶

¹¹⁵ Department of Children and Families, Agency Analysis of SB 7034, p. 4 (Jan. 1, 2022).

¹¹⁶ *Id* at p. 7.

2. Expenditures:

Department of Children and Families

The bill has an indeterminate, but significant, negative fiscal impact on DCF to implement the bill's provisions related to awarding grants to organizations to address the needs of fathers, awarding grants to organizations that offer mentorship programs to at-risk male students, contracting for a responsible fatherhood communication initiative, and providing child care subsidies to certain caregivers. The bill makes these provisions contingent on available funding.

The bill has an indeterminate, but positive fiscal impact on DCF relating to the bill's provisions changing the eligibility requirements for participation in the Relative Caregiver Program (RCP).

Comprehensive Services Grants

At a minimum, an estimated cost of \$600,000 would be required to set up new sites that are not currently engaged in the provision of fatherhood services. If grants are awarded to sites already engaged in the provision of fatherhood service the cost would be less. There is additional cost for technical assistance and overhead. Cost is scalable based on geographic availability.

Evidence-Based Fatherhood Educational Program Grants

At minimum, an estimated cost of \$100,000 per site would be required to provide fatherhood education programs, plus overhead cost. Cost is scalable based on geographic availability.

Grants to Offer Mentorship Programs to At-Risk Male Students

The bill limits the amount of each grant award to a total of \$25,000 up to \$250,000. Cost is scalable based on geographic availability.

Responsible Fatherhood Communication Initiative

The fatherhood communication initiative requires the creation of a website and related electronic resources to allow fathers to access resources about effective parenting and identify areas where support is needed to enhance their abilities to be effective fathers. The initiative must include, at a minimum, print, television, and digital and social media elements. It may also include appearances by and involvement from public figures and influencers to enhance awareness. Cost is scalable based on desired investment.

Child Care Subsidy

As of December 2021, 10,305 children under the age of 6 were in out-of-home care with licensed foster parents, relative caregivers, or nonrelative caregivers. It is unknown how many of these children are in child care. Assuming all are in child care, the bill's additional \$200 subsidy would cost \$2,061,000. Assuming half are in child care, the bill's additional \$200 subsidy would cost \$1,030,500. Existing child care subsidies are funded with a mixture of general revenue and federal funding.

Relative Caregiver Program

The bill has an indeterminate, but positive fiscal impact on DCF relating to the bill's provisions that change the eligibility requirements for the RCP. Under the bill, relative and nonrelative caregivers may participate in the RCP only if they are unable to meet licensure requirements for the Guardianship Assistance Program (GAP). RCP participants receive a stipend that is partially or fully funded by general revenue, while GAP participants receive a stipend that is funded by Title IV-E. If more relative or nonrelative caregivers participate in GAP, DCF can increase the amount of Title IV-E dollars it receives and decrease an indeterminate amount of general revenue spent on the RCP stipend.

Department of Economic Opportunity

The bill has an indeterminate, but significant, negative fiscal impact on the Department of Economic Opportunity to implement the bill's provisions related to awarding grants to organizations that assist non-custodial parents meet child support payments. There is an estimated per county average cost of \$235,000 for organizations to provide such services.

Department of Revenue

The bill has an indeterminate, but insignificant, negative fiscal impact on the Department of Revenue to implement the bill's provisions related to requiring written notification to delinquent obligors and the creation of a website to provide information to obligors having difficulty making child support payments. The fiscal impact is absorbable within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Community-Based Care Lead Agencies

The bill has an indeterminate, but significant, negative fiscal impact on CBC's to implement the bill's provisions related to hiring father engagement specialist. There are 18 CBC's that must hire father engagement specialists to work with fathers and address specific issues unique to fathers. The estimated salary, plus benefits, expenses and travel, for a father engagement specialist is \$58,632.

The bill has an indeterminate, but significant, negative fiscal impact on CBC's to implement the bill's provisions related to increasing the monthly stipend to young adults participating in PESS. In SFY 2019-20, 809 young adults were in PESS. Such youth received a monthly stipend of \$1,256.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Current law provides sufficient rulemaking to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES